IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 28TH NOVEMBER 2006 / 7TH AGRAHAYANA 1928

WP(C).No. 30689 of 2006(C)

PETITIONER:

C.M.ZACHARIAH, AGED 59 YEARS,
S/O.C.C.MATHAPPAN, CHEERAN HOUSE,
HIGH ROAD, ALWAYE.

BY ADV. SRI.GEORGE VARGHESE (MANACHIRACKEL)

RESPONDENTS:

THE CHOORNIKKARA GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY,
THAIKKATTUKARA, ALWAYE.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C.KURIAKOSE, J.

W.P.(C)NO. 30689 of 2006

Dated this 28th day of November, 2006

JUDGMENT

The petitioner is aggrieved by Ext.P3 demand for property tax for a building bearing Door No.III/331. The total demand is Rs.31,765/-. On receiving Ext.P3, the petitioner submitted Ext.P4 objection pointing out that the tenant who was in occupation of the building at the time when the Panchayat decided to enhance the property tax is no longer in occupation and also that as soon as the tenant vacated, vacancy intimation had been given to the Panchayat.

2. I do not propose to examine the genuineness of the grievance voiced by the petitioner. But, since Ext.P4 has been submitted by the petitioner against Ext.P3 demand, it is only proper that the Panchayat takes a decision on Ext.P4 after hearing the petitioner also. Accordingly, this writ petition will stand disposed of with the following directions:

i). The first respondent Panchayat will reconsider Ext.P3, in the light of Ext.P4 and any other materials, which may be placed by the petitioner before the Panchayat, hear the petitioner and take a correct and just decision on the issue. This will be done by the Panchayat at their earliest and at any rate within two months of their receiving a copy of this judgment.

ii). Till such time as the decision is taken by the Panchayat as ordered above, the Panchayat will not enforce Ext.P3 demand provided the petitioner remits a sum of Rs.3,200/- (Rupees Three Thousand Two Hundred only) towards the demand. Payment as ordered above shall be made by the petitioner within three weeks from today.

PIUS C.KURIAKOSE
Judge

dpk